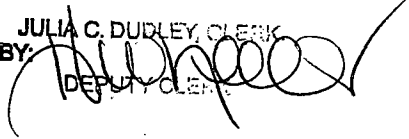


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

DEC 10 2019

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

ELIZABETH SINES, *et al.*,

Plaintiffs,

v.

JASON KESSLER, *et al.*;

Defendants.

CASE No. 3:17-cv-00072

SHOW CAUSE ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the contempt hearing scheduled concerning **Defendant Elliott Kline**, which has been and remains set for **Monday, December 16, 2019 at 11:00 A.M. EST**, at the United States Courthouse in Charlottesville, Virginia. *See* Order Finding Elliott Kline in Civil Contempt, Dkt. 599 at 2, 13–14; Notice of Hearing, Dkt. 594; Transcript of Contempt Hearing, Dkt. 600 at 79–80.

At the civil contempt hearing for Elliot Kline held on November 25, 2019, and as further set forth in the Order Finding Elliott Kline in Civil Contempt, this Court found Kline in contempt of numerous court orders and imposed upon Kline a fine of \$200 per day of non-compliance until he purged himself of contempt. Dkt. 599 at 15–16. This Court held that Kline “must complete” certain “steps in order to purge himself of contempt.” Dkt. 599 at 14–15 (¶ 41).¹ This Court was also clear that “Kline’s efforts should demonstrate a single-minded focus on purging himself of contempt” leading up to the December 16, 2019 hearing. *Id.* at 14 (¶ 39).

¹ This Court will not recount these steps again in this Order, but it will direct the Clerk to provide yet another copy of the Order Finding Elliott Kline in Civil Contempt (Dkt. 599) to Elliott Kline along with this Order.

On December 6, 2019, Plaintiffs filed another Motion for Evidentiary Sanctions Against Defendant Elliott Kline, which asserts that “[a]s of this filing, Kline has failed to purge himself of his civil contempt.” Dkt. 601 at 13–17. In the several pages that follow, Plaintiffs write that Kline has failed to purge himself of contempt in numerous respects. *Id.*

This Court **ORDERS** Kline to submit to this Court, no later than **Friday, December 13, 2019 at 12:00 P.M. EST**, a brief or response addressing any and all steps Kline has taken to purge himself of contempt. Specifically, Kline shall address **how and when** he had satisfied each of the discovery obligations set forth in paragraph 41 of this Court’s Order Finding Elliott Kline in Civil Contempt. Dkt. 599 at 14–15. Kline shall also advise this Court as to the specific steps he has taken in his “active efforts to secure counsel” over the past several weeks (Dkt. 599 at 13 n.13), and the status of such efforts. Kline shall send his response to Plaintiffs and to this Court’s email account (moon.ecf@vawd.uscourts.gov) and that of Judge Hoppe (hoppe.ecf@vawd.uscourts.gov).

This Court further **ORDERS** Kline to bring with him to Charlottesville on December 16, 2019, the home computer that he identified, and to turn it over to Plaintiffs to be sent to the Third Party Discovery Vendor for imaging. Plaintiffs’ mere assertion that it is “non recoverable” at this stage is insufficient.

At this time, Kline need not respond to Plaintiffs’ Motion for Evidentiary Sanctions, except insofar as it relates to Plaintiffs’ arguments that Kline has failed to purge himself of his civil contempt. Dkt. 601 at 13–17. This Court will schedule further briefing on Plaintiffs’ Motion for Evidentiary Sanctions at a later date.

This Court reiterates that it has **ORDERED** Kline to appear at the hearing on December 16, 2019 at 11:00 A.M. EST in the United States Courthouse in Charlottesville, Virginia, and that,

“[i]f Kline remains in non-compliance on that date, this Court is prepared to hold him in custody until he purges himself of his contempt.” Dkt. 599 at 2.

It is so **ORDERED**.

The Clerk of the Court is directed to send a certified copy of this Order to the parties. The Clerk of the Court is further directed to send a certified copy of this Order, and this Court’s Order Finding Elliott Kline in Civil Contempt (Dkt. 599), to Elliott Kline at both email addresses he has provided as well as by mail to his address of record.

Entered this 10th day of December, 2019.


NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE